



DEPARTMENT OF PERSONNEL
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MEMO PERD #32/06
July 13, 2006

TO: Personnel Commission Members
Department Directors
Division Administrators
Agency Personnel Liaisons
Agency Personnel Representatives
Designee for Rules Distribution
Employee Representatives
Media Representatives

FROM:  Jeanne Greene, Director
Department of Personnel

SUBJECT: PERSONNEL COMMISSION MEETING MINUTES

Attached are the minutes from the May 12, 2006, Personnel Commission meeting. These minutes have not been approved and are subject to revision at the next meeting of the Personnel Commission on August 11, 2006.

JG:sq

Attachment

**PERSONNEL COMMISSION MEETING
MINUTES OF MAY 12, 2006**

**Indicates agenda items that were voted on by the Personnel Commission.*

**MEMO PERD #32/06
July 13, 2006**

I. Call to Order

Commissioner Katherine Fox called the meeting to order at 9:10 a.m., May 12, 2006, at the Grant Sawyer Building, Room 4412, 555 East Washington Avenue, Las Vegas, and the Legislative Building, Room 4100, 401 South Carson Street, Carson City via videoconferencing.

Chairman Claudette Enus had asked Commissioner Fox to chair the meeting in her unexpected absence.

Members present in Las Vegas: Commissioners Katherine Fox and David Sánchez; and Director Jeanne Greene from the Department of Personnel.

Members present in Carson City: Commissioners Jack Eastwick and David Read; Shelley Blotter, Chief of Technical Services, Department of Personnel; and Scott Wasserman, Deputy Attorney General, from the Attorney General's Office.

II. *Adoption of Agenda

Commissioner Read's motion to adopt the agenda was seconded by Commissioner Eastwick and unanimously carried.

III. *Adoption of Minutes of Previous Meeting

Commissioner Read's motion to approve the minutes of the February 10, 2006, meeting as presented was seconded by Commissioner Eastwick and unanimously carried.

IV. *Pre-Employment Screening for Controlled Substances

David Badger, Supervisory Personnel Analyst, Department of Personnel, explained that NRS 284.4066 authorizes agencies to designate positions affecting public safety and screen applicants prior to appointment for controlled substances. Item IV-A added, and Item IV-B removed, positions from the list as follows:

- A. The Department of Agriculture (NDOA), the Division of State Parks (PARKS) and Department of Transportation (NDOT) requested the following positions be approved for pre-employment screening for controlled substances:

AGENCY	CLASS CODE	CLASS TITLE	BUDGET & POSITION CONTROL NUMBER (PCN)
NDOA	1.121 1.125 1.127	Agricultural Enforcement Officer III Agricultural Enforcement Officer II Agricultural Enforcement Officer I	NDOA - ALL PCNS
PARKS	1.918 1.919	Lifeguard II Lifeguard I	PARKS - ALL PCNS
NDOT	6.211	Supervisor II, Associate Engineer	4660-028006
	6.305	Engineering Technician V	4660-028008
	6.313	Engineering Technician III	4660-028010, 028011, 028013, 028015, 028016, 028021
	6.964	Telecommunications Coordinator I	4660-067067, 067075, 067095
	6.969	Telecommunications Coordinator II	4660-067048, 067089
	6.976	Communications Systems Supervisor	4660-093002
	7.519	Training Officer I	4660 - ALL PCNS

- B. The Department of Transportation (NDOT) requested the following positions be removed from the pre-employment screening list.

AGENCY	CLASS CODE	TITLE	BUDGET & POSITION CONTROL NUMBER (PCN)
NDOT	6.215	Supervisor I, Associate Engineer	4660-0001, 0022
	6.328	Engineering Technician II	4660-0011, 0013, 0016

There being no comments, Commissioner Eastwick's motion to approve the recommendations for Item IV-A and IV-B as presented, was seconded by Commissioner Read and unanimously carried.

- V. *Occupational Group Study Revised Class Specifications
Fiscal Management & Staff Services occupational group

1 Subgroup: Financial

a. Loan Administration Officer

Brenda Harvey, Personnel Analyst, Department of Personnel, explained this class specification was last revised in 1992, with few changes necessary. The knowledge, skills, and abilities (KSA) were clarified to reflect the specialized knowledge of federal codes, guidelines, laws, and regulations pertaining to single-family and multi-family lending and revenue bond programs. This body of knowledge has always been necessary but was not adequately described in the existing class specification.

b. Loan Officer

Ms. Harvey explained this class specification was last revised in 1992, with few changes necessary. The knowledge, skills, and abilities were revised to reflect specialized knowledge of Fannie Mae conventional mortgage and lending responsibilities, and the minimum qualifications were clarified to reflect mortgage loan processing experience, which is most critical to successful job performance.

There being no discussion on Item V-1, Commissioner Sánchez's motion to approve the recommendations for the Financial Subgroup was seconded by Commissioner Eastwick and unanimously carried.

2. Subgroup: Public Information

a. Photographer series

Vivian Spiker, Personnel Analyst, Department of Personnel, explained the revisions to the Senior Photographer and Photographer series including updating the equipment and processes described to align with current practices and to reflect advances in technology. The titles used to designate levels were changed to Roman numerals for consistency in the State's classification plan. Ms. Spiker explained the minimum qualifications had been reviewed by subject matter experts who determined a bachelor's degree in photography, journalism, art or a related field, and one year of professional experience as a photographer is sufficient to successfully perform at the higher level.

There are currently two classified positions in this series in State government, one at the Department of Transportation and the other at the University of Nevada, Las Vegas (UNLV). Both of the positions are allocated to the Photographer II level, work independently and handle all photographic assignments in their agency, as well as those received from other departments. UNLV anticipates the possibility of new positions in the future and plans to use the Photographer I, grade 29, as a trainee or sub-journey level depending on the needs of the organization. The class concept for Photographer I reflects this change.

Commissioner Sánchez asked whether knowledge of computer software was written into the KSA's.

Ms. Spiker replied the duty statements were updated to reflect digital technology, but the KSA's were left generic so the class specifications stay current longer.

Commissioner Sánchez asked about experience with film media that is edited with computer software and related equipment.

Ms. Spiker replied there is automated print processing equipment and digital printers written into the class specification, and Director Greene added it also states that computer database management is required.

There were no further comments.

b. Publications Writer

Vivian Spiker explained the Department of Personnel recommends minor revisions to the Publications Writer classification. With the assistance of subject matter experts, the class specification was updated to reflect technological changes and current processes used. These changes do not impact the grade level of the class.

Publications Writers prepare, write and proofread brochures, articles, digital media, advertisements and promotional publications. Currently, positions are located only at the University of Nevada, Reno.

c. Audiovisual Assistant series

Vivian Spiker explained the Department of Personnel worked with subject matter experts from the Nevada System of Higher Education (NSHE), as all positions within this series are located within the NSHE. Minor changes were made to delete or update references to obsolete and outdated equipment. Additionally, through the validation process, the minimum qualifications for the Trainee level were revised and the requirement of training in electronics was removed, as it is not necessary to perform the duties of the position in a trainee capacity.

There being no further discussion on Item V-2, Commissioner Sánchez's motion to approve the recommendations for the Public Information Subgroup was seconded by Commissioner Read and unanimously carried.

VI. *Individual Classification Appeals

A. Debra Thurner, Program Officer III

Division of Insurance, Department of Business & Industry

John Orr, Deputy Insurance Commissioner, stated the Division of Insurance was appealing the determination not incumbent Debra Thurner, although she was present to answer any questions. Mr. Orr explained that Commissioner Alice Molasky-Arman intended to be present, but she was on unexpected leave. He explained that Ms. Molasky-Arman had initiated the reclassification process almost five years ago resulting from two federal regulations that significantly affected the business of insurance licensure in Nevada and throughout the country.

Mr. Orr identified the two new federal regulations: Violent Crime Control & Law Enforcement Act of 1994 (increased the depth of licensing by inserting a major criminal element into the

scrutiny of every applicant to engage in the business of insurance), and the Federal Financial Modernization Act of 1999 (increased the breadth of insurance licensing by requiring uniformity throughout the states). The new regulations impacted the duties of their Chief of Licensing Section (Debra Thurner, Program Officer III).

Mr. Orr stated that in 2002, the Insurance Commission approved a minor reorganization of the Division to elevate the status of producer licensing from a sub-section within their General Company Licensing Section, to its own section. The Insurance Commission approved the position to be a full peer with the rest of their senior management staff that consists of attorneys, chief insurance examiners, and deputy commissioners who are all at grades 42 or higher, or unclassified. The Chief of Licensing Section is the sole exception at grade 35. Mr. Orr stated the appeal wasn't about salary, but that the current classification is inappropriate because of the inequity it causes in the workplace and the significant change in duties created by the two federal laws.

Mr. Orr felt the Insurance Examiner II, grade 39, would be more suitable than Program Officer III. Mr. Orr discussed their agency Insurance Examiner positions and functions including market conduct examinations; regulation of the registration of service contracts (with no auditing or financial component); title examinations (with a minor financial component). The financial component looks at whether companies are solvent to honor their policies and market conduct examinations look at whether a company's advertisements comply with regulation, forms and files, claims paid on time. Registration was very similar to Producer Licensing.

Mr. Orr felt classification determinations should be based on duties, responsibilities and contacts, not just vertical alignment. Mr. Orr addressed the five insurance committees Ms. Thurner serves on that are primarily comprised of insurance commissioners. He mentioned that Nevada's salary for their Chief, Producer Licensing is below the national average according to the National Association of Insurance Commissioners. Mr. Orr stated that the comparisons made by the Department of Personnel to other agency Program Officer III's reported to an administrator, whereas the Chief, Producer Licensing is the administrator.

Mr. Orr concluded by saying they obtained funding prior to submitting the NPD-19 reclassification request, but the Department of Personnel misconstrued the effect of the federal regulation that produced the significant change, and they know the Department of Personnel doesn't understand the Insurance Examiner class specification. He stated that for six years he's been telling the Department of Personnel that the Insurance Examiner class specifications are all wrong, but was told that a study would be conducted someday.

Mr. Orr asked for the appeal to be granted, and proposed that the Department conduct a study to revise the class specification and accurately reflect how it is being used.

Commissioner Sánchez referred to Mr. Orr's statement that he didn't believe vertical alignment was appropriate for classification and asked whether he was familiar with the classification principles and methodology the State uses to make determinations. Mr. Orr stated he was.

Frank Steinberg, Personnel Analyst, Department of Personnel, stated he conducted the study and found the duties still met the class concepts for Program Officer III, but not the Insurance Examiner II, grade 39. Mr. Steinberg explained that at grade 35, the Program Officer III class is part of management and has broad latitude in, and full responsibility for, carrying out their program. In contrast, Insurance Examiners focus on financial analysis and solvency of insurers. Producer licensing is a different kind of work.

Mr. Steinberg referred to the Insurance Examiner position overseeing service contracts, which Mr. Orr indicated there were no auditing or financial components to the duties. Mr. Steinberg read excerpts from the 1999 NPD-19, which indicated to him that the duties did have a financial component. The Department agreed with the appellant that due to the federal legislation, the technical process of licensing producers now includes more steps; however, new requirements to cross check new or expanded databases are common throughout State government and don't generally effect classification.

Mr. Steinberg stated that the Program Officer III class has been found to be appropriate for licensing management positions in the Departments of Education and Wildlife. A recent study of another licensing management position in the Real Estate Division, also under the Department of Business & Industry, is a Program Officer III with similar staffing and reporting relationships as Ms. Thurner's position. Mr. Steinberg asked the Commission to deny the appeal.

Commissioner Sánchez asked Mr. Steinberg to respond to Mr. Orr's memorandum to Dana Carvin dated November 9, 2005, under Exhibit 3 of the Department's appeal packet, that ten years ago the position was primarily responsible for administering the division's education and training activities while also supervising the technical positions in agent licensing.

Mr. Steinberg replied that may be true but the focus of the position now is on licensing. Although it does have an education component, nothing has happened to the position in the last ten years that warrants reallocation to an Insurance Examiner II.

Commissioner Sánchez asked about Mr. Orr's statement that the Insurance Examiner class specifications are all wrong. Mr. Steinberg stated the specification was last reviewed in November 2004, with considerable assistance from the Insurance Division.

Mr. Orr stated the only revision made at that time was to broaden the minimum qualifications to include insurance industry experience.

Commissioner Sánchez asked Mr. Orr to comment on the last paragraph of the Department's appeal summary regarding there being no substitution for the normal classification process. Mr. Orr responded that he understands that while the Legislature approved the upgrade, the Department of Personnel is solely responsible for the classification process. However, he felt that dismissing the fact that this position upgrade had been reviewed and approved by the Budget Division, Governor, finance and commerce committees, was naïve. Mr. Orr again mentioned the problem with vertical alignment, saying that grade levels of positions assigned to a section should

not diminish the managerial responsibilities of the section head. He explained the duties of the all their section heads are comparable.

There being no further comments, Commissioner Sánchez motioned to deny the appeal but it failed without a second.

Commissioner Eastwick asked Director Greene when the last study on the Insurance Examiner series was conducted. Director Greene responded it was in 1995, and the minimum qualifications were revised in 2004. She explained that if the Division of Insurance had indicated that other issues needed to be addressed, the Department would have reviewed them at that time. The Department could review the entire class specification if the Commission directed them to do so.

Commissioner Fox reminded the Commission that their obligation was to consider whether significant change had occurred. She asked Deputy Attorney General, Scott Wasserman, to comment. Scott Wasserman stated the Commission could entertain another motion or the determination of the Department of Personnel would stand.

Not hearing another motion, Commissioner Fox stated the Department's determination stands. On behalf of the Commission, she asked the Division of Insurance to continue to work with the Department for proper classifications of the positions assigned to them.

B. Chris Sanseverino, Computer Network Specialist III
Department of Transportation (NDOT)

Chris Sanseverino stated he was seeking reallocation to Master Information Specialist II, grade 43. Mr. Sanseverino explained that in June 2005, Dorothy Martin, Chief of Information Services, NDOT, assigned him additional responsibilities related to the Nevada Shared Radio System, the Intelligent Transport Systems and their functions and interfaces to data systems for NDOT and other agencies. Mr. Sanseverino stated that Ms. Martin had concluded that an upgrade and reclassification would be applicable to Master Information Specialist II. Required certifications for his position are: Federal Communications Commission (FCC) license, Microsoft Certified Systems Engineer, Microsoft Certified Professional Plus Internet, Cisco Certified Network Associate, Sun Certified Systems Administrator, and Comptia Security. Mr. Sanseverino stated these certifications were recognized by the Master Information Specialist series and were consistent with his new duties.

Mr. Sanseverino explained that 90% of his duties do not fit the class concepts for Computer Network Specialist III, grade 40. The ability to design, troubleshoot, and integrate between areas is outside the scope of that class. Mr. Sanseverino stated his duties were better described in the Master Information Specialist II concepts as he receives no technical supervision and works under administrative direction only. He supervises several positions and makes all technical decisions. He has technical expertise in at least one area of the Master Information Specialist II concepts, and he's knowledgeable in many other areas of those concepts.

Mr. Sanseverino explained his duties and projects are deemed critical to the agency's mission, as there would be a significant impact to agency operations. He has acquired advance-level knowledge in all six areas indicated on the Master Information Specialist series concept and specialized training is present in all six areas; all his training and certifications are directly applicable to his assigned duties; he prepares budgets, forecasts future growth and expenses, and conducts cost/benefit analysis; performs information systems analysis, design, maintenance, modification and integration with existing hardware and software; systems planning, communications hardware planning and long-range software planning.

Mr. Sanseverino didn't feel the reclassification and history of his position upgraded in 2003, was relevant to his current request. In closing, Mr. Sanseverino gave the Commission examples of his critical NDOT projects to show the variety and complexities of integrating systems.

There being no questions, Commissioner Fox asked the Department to present their determination.

Dana Carvin, Supervisory Personnel Analyst, Department of Personnel, introduced Alan Rogers, Information Systems Manager II, Department of Personnel, and Ray Whatley, Information Systems Manager II, Department of Motor Vehicles.

Ms. Carvin described the process used in determining classification of information technology (IT) positions. Due to the highly technical and constant evolving nature of information technology, the Department established a committee of IT experts to act as consultants. Incumbents requesting reclassification appear before the committee with their supervisors and managers, to describe their duties and answer any questions regarding responsibilities. The IT Committee makes a recommendation to the Department of Personnel as to what they believe is the appropriate classification.

Ms. Carvin explained that Mr. Sanseverino's position was reclassified in 2003 from a Communications Systems Supervisor, grade 37, to a Computer Network Specialist III, grade 40. At that time, the position had been responsible for oversight of radio technology and video conferencing. Due to growth in the network, the position's duties became associated with network management while oversight of radio networking was reassigned to other positions.

Ms. Carvin stated the IT Committee found the appellant's duties, responsibilities, consequence of error, and authority to act, continue to be consistent with the current classification of Computer Network Specialist III. Ms. Carvin compared Mr. Sanseverino's position with another NDOT Computer Network Specialist III that performs similar duties with the same certifications.

Ms. Carvin explained the Master Information Specialist series was created for highly technically skilled professionals to have a path to progress without the necessity of supervision as a criteria for advancement. The primary requirement of the series is for continued certification to ensure that a position with the designation of Master, remain knowledgeable of new technologies. The IT Committee revealed the certificates held by Mr. Sanseverino were gathered during a period of years that were used to qualify him for the position he currently holds. These certifications represent standard credentials that should be demonstrated either by certificate or work experience

for anyone to qualify for the Computer Network Specialist series. The difference between the two series would be the Master Information Specialist's responsibility and ongoing certification requirements at a network or system architect level. Ms. Carvin explained that NDOT concurred that Mr. Sanseverino's position is not considered the primary network or system architect.

Ms. Carvin explained that Mr. Sanseverino's certifications are standard with many State IT positions at grade 36 and below and are not considered to be at the level required of the Master Information Specialist. The IT Committee unanimously agreed that Mr. Sanseverino's position was appropriately allocated to Computer Network Specialist III.

Commissioner Sánchez asked who the members of the IT Committee were. Ms. Carvin replied it consists of IT professionals from almost all State departments with large IT staffs.

Mr. Sanseverino summarized, saying the IT Committee didn't look at the total picture of his duties and disagreed that granting his appeal would set a precedence for other IT positions. The current NPD-19 was approved by Ms. Martin in July 2005, and he believed that NDOT did concur that his is the only position handling radio. NDOT considers the FCC license to be the highest level of certification and Mr. Sanseverino felt the IT Committee and Department of Personnel didn't fully address it. Mr. Sanseverino stated the comparison of the other NDOT position to his is similar, and he felt that incumbent could also request reclassification.

There being no further questions or comments, Commissioner Read's motion to deny the appeal was seconded by Commissioner Sánchez and unanimously carried.

VII. *Hearings Officer Selection

Beverly Ghan, Personnel Analyst, Department of Personnel, explained how the recruitment was conducted and the final candidates selected.

Northern candidates for one regular and one alternate position

The Commission interviewed Patrick Dolan, Bill Kockenmeister, and Jay Short.

Commissioner Read's motion to appoint Bill Kockenmeister to the regular position failed without a second.

Commissioner Eastwick's motion to appoint Patrick Dolan to the regular position was seconded by Commissioner Sánchez. The motion failed with Commissioners Sánchez and Eastwick voting for, and Commissioners Fox and Read voting against the motion.

Scott Wasserman, Deputy Attorney General, stated another motion could be made or it would be tabled.

Commissioner Read's second motion to appoint Bill Kockenmeister to the regular position was seconded by Commissioner Sánchez and unanimously carried.

Commissioner Read's motion to appoint Jay Short to the alternate position was seconded by Commissioner Sánchez and unanimously carried.

Southern candidates for one regular and one alternate position

The Commission interviewed Daniel Hussey, Jean Sanae Moriki, Ann Elworth Winner, and David Ford.

Commissioner Sánchez's motion to appoint Daniel Hussey to the regular position was seconded by Commissioner Read and unanimously carried.

Commissioner Sánchez's motion to appoint David Ford to the alternate position was seconded by Commissioner Eastwick. The motion failed with Commissioners Sánchez and Eastwick voting for, and Commissioners Fox and Read voting against the motion.

Commissioner Read's motion to appoint Jean Sanae Moriki to the alternate position was seconded by Commissioner Sánchez and unanimously carried.

VIII. Uncontested Classification Action Report
Posting Notices #03-06 and #04-06

No action required.

IX. Comments from the General Public

There were none.

X. Select Next Quarter Meeting Date

Director Greene stated the next meeting is already scheduled for August 11, 2006, in Carson City, and they needed to schedule another meeting for the winter. The Commission selected December 1, 2006, in Las Vegas.

Commissioner Fox announced that Scott Wasserman, Deputy Attorney General, Office of the Attorney General, had accepted a position with the Nevada System of Higher Education and his last day would be May 19, 2006, she thanked him for his service to the Commission.

XI. *Adjournment

Commissioner Sánchez's motion to adjourn the meeting at 11:51 a.m. was seconded by Commissioner Eastwick and unanimously carried.